



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

**MAR 09 2018**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Alfred Aghapour  
General Manager  
Clean Harbors Recycling Services of Chicago, LLC  
1445 West 42nd Street  
Chicago, Illinois 60609

Re: Finding of Violation  
Clean Harbors Recycling Services of Chicago, LLC  
Chicago, Illinois

Dear Mr. Aghapour:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Clean Harbors Recycling Services of Chicago LLC (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). Based on available information, we find that you are violating requirements regarding tanks and equipment leaks in the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at your Chicago, Illinois, facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific finding of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charles Hall. You may contact him by telephone at (312) 353-3443 or by e-mail at [hall.charles@epa.gov](mailto:hall.charles@epa.gov) to request a conference. You should make the request

within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", with a stylized, flowing script.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Julie Armitage, Illinois Environmental Protection Agency

Timmery Fitzpatrick  
Assistant General Counsel  
Clean Harbors  
P.O. Box 9149  
42 Longwater Drive  
Norwell, MA 02061-9149

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Clean Harbors Recycling Services of Chicago, LLC  
Chicago, Illinois

Proceedings Pursuant to the Clean Air Act,  
42 U.S.C. §§ 7401 et seq.

) **FINDING OF VIOLATION**  
)  
)

) EPA-5-18-IL-06  
)  
)

**FINDING OF VIOLATION**

Based on available information, the U.S. Environmental Protection Agency finds that Clean Harbors Recycling Services of Chicago LLC (Clean Harbors) is violating Sections 112 and 502 of the Clean Air Act (CAA), 42 U.S.C. §§ 7412 and 7661a. Specifically, Clean Harbors is violating the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD and its Title V permit, as follows:

**Statutory and Regulatory Authority**

1. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD, 40 C.F.R. §§ 63.680 through 63.698 (hereinafter, the OSWRO MACT).
2. The OSWRO MACT applies to the owner and operator of a plant site that is a major source of hazardous air pollutant (HAP) emissions as defined in 40 C.F.R. § 63.2, and when the plant site is the location of a waste management operation that receives “off-site material” and the operation is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under either 40 C.F.R. Part 264 or Part 265. 40 C.F.R. § 63.680(a).
3. Except under limited circumstances that do not apply here, an “off-site material” under the OSWRO MACT is: (1) a waste, used oil, or used solvent, as those terms are defined in 40 C.F.R. § 63.681; (2) that is not produced or generated within the plant site and is delivered, transferred, or otherwise moved to the plant site from an outside location; and (3) contains one or more of the HAP listed in Table 1 of the OSWRO MACT. 40 C.F.R. § 63.680(b)(1).
4. An “affected source” under the OSWRO MACT is the entire group of off-site material management units associated with the operation. An off-site material management unit is a tank, container, surface impoundment, oil-water separator, organic-water separator, or transfer system used to manage off-site material. 40 C.F.R. § 63.680(c)(1).
5. An “affected source” under the OSWRO MACT is the entire group of equipment components for which each component meets three conditions: 1) The equipment

component is a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, or instrumentation system; 2) The equipment component contains or contacts off-site material having a total HAP concentration equal to or greater than 10 percent by weight; and 3) The equipment component is intended to operate for 300 hours or more during a calendar year in off-site material service, as defined in 40 C.F.R. § 63.681. 40 C.F.R. § 63.680(c)(3).

6. The OSWRO MACT, at 40 C.F.R. § 63.683(d), requires an owner or operator to control equipment leaks from each equipment component that is part of the affected source specified in 40 C.F.R. § 63.680(c)(3) by implementing leak detection and control measures in accordance with the standards specified in 40 C.F.R. § 63.691.
7. The OSWRO MACT, at 40 C.F.R. § 63.691(b), requires an owner or operator to control the HAP emitted from equipment leaks in accordance with (1) 40 C.F.R. § 61.242 through § 61.247 – National Emission Standards for Equipment Leaks; or (2) 40 C.F.R. § 63.162 through § 63.182 – National Emission Standards for Organic Hazardous Air Pollutants from Equipment Leaks (collectively referred to as “LDAR requirements”).
8. The LDAR requirements, at 40 C.F.R. §§ 61.242-4(a) and 63.165(a), provide that except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 parts per million (ppm) above background, as measured by the method specified in 40 C.F.R. § 61.245(c) or § 63.180(c), respectively.
9. Pursuant to Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), on December 4, 2001, EPA granted final full approval effective November 30, 2001, to Illinois’s Title V operating permit program.
10. On July 11, 2016, the Illinois Environmental Protection Agency (Illinois EPA) issued a Title V operating permit to Clean Harbors, Clean Air Act Permit Program (CAAPP) Permit no. 95120093 (CAAPP Permit).
11. Clean Harbors’ CAAPP Permit requires Clean Harbors to comply with the LDAR requirements in 40 C.F.R. § 63.691(b). See CAAPP Permit § 4.4.2.a.i.
12. Section 502(a) of the Clean Air Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) make it unlawful for any person to violate any requirement of a permit issued under Title V of the Act.

### **Factual Background**

13. Clean Harbors is the owner and operator of a facility regulated as a TSDF located at 1445 West 42nd Street, Chicago, Illinois (the Facility).
14. Clean Harbors owns and operates at the Facility 53 above-ground storage tanks in which it can store off-site materials that meet the definition of hazardous waste.

15. On May 26, 2017, EPA conducted an inspection of the Facility and used a flame ionization detector to measure the concentration of volatile organic compounds in the gas discharging from the pressure vent (P/V) or emergency vent (E/V) on storage tanks 33, 34b, 36, 37A, and 40B. The measurements are tabulated below.

Tank	Highest Measurement, ppmV	Location	Contents	Activity in Tank on 05/26/2017
33	3800 ppmV 2000 ppmV	P/V E/V	N-Methyl Pyrrolidone feed	No activity
34B	9000 ppmV	P/V	Tetrahydrofuran feed	No activity
36	3500 ppmV 21 ppmV	P/V E/V	Tetrahydrofuran product	No activity
37A	4200 ppmV	P/V	Water layer from process	No activity
40B	6000 ppmV 205 ppmV	P/V E/V	Waste fuel (mix of all bottoms)	No activity

#### Alleged Violations

16. Clean Harbors violated 40 C.F.R. § 63.691(b), the LDAR requirements (40 C.F.R. §§ 61.242-4(a) or 63.165(a)), and Section 4.4.2.a.i. of its CAAPP Permit by operating the pressure relief device in gas/vapor service on Tanks 33, 34b, 36, 37A, and 40B with emissions greater than 500 ppm.

Date

3/9/18

Edward Nam

Director

Air and Radiation Division

## CERTIFICATE OF MAILING

I, Kathy A. Jones, certify that I sent a Finding of Violation, No. EPA-5-18-IL-06, by Certified Mail, Return Receipt Requested, to:

Alfred Aghapour  
General Manager  
Clean Harbors Recycling Services of Chicago, L.L.C.  
1445 West 42nd Street  
Chicago, Illinois 60609

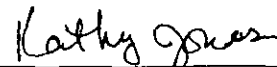
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Julie Armitage  
Chief  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

And to:

Timmery Fitzpatrick  
Assistant General Counsel  
Clean Harbors  
P.O. Box 9149  
42 Longwater Drive  
Norwell, MA 02061-9149

on the 13<sup>th</sup> day of March 2018



Kathy A. Jones, Program Technician  
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7641 3220